

REMARKS / ARGUMENTS

Claims 36 and 43-47 are pending.

Claims 36 and 43-47 have been rejected under 35 U.S.C. §102(b), or in the alternative, 35 U.S.C. §103(a) as being unpatentable over Anderson et al. (USP 6,880,722 referred to as Anderson). Applicants respectfully traverse each and every aspect of this rejection. As to the rejection of claims 36 and 43-47, Applicant notes that there is no teaching, suggestion or motivation in Anderson to make the claimed invention.

In the Office Action, the Office suggests that Anderson teaches the use of Applicant's claimed invention in column 19, lines 30-33. In this specific passage, it is disclosed that the medicament dispenser can comprise a cassette and in reference to the medicament carrier:

This may be wound into the dispenser before the lid is attached to the cassette and the cassette sealed.

There is, however, no disclosure in this passage of Anderson that a coil of the unused medicament carrier is formed by its introduction into the cassette nor can this be inferred from any other passage in Anderson. Moreover, the Office incorrectly suggests that this passage discloses winding the carrier onto a spindle. No such express disclosure is made.

In the Applicant's view, the statement that the medicament carrier is "wound into the dispenser" would be interpreted by the person of ordinary skill as meaning that, after the carrier has been inserted into the cassette, the leading ends of the base and lid sheets of the carrier are attached to the respective wheels on which these sheets are to be wound up in subsequent use of the device. In any event, it is not a disclosure, nor a suggestion, that the

medicament carrier is inserted into the cassette by a coil forming process per se, let alone one of the type to which the present claims concern, where it is required that the medicament carrier be moved in a lateral sense as the coil is forming on the rotating spindle. The claims are yet further distinguished by the requirement of also moving the rotating spindle in the same lateral sense as the coil is forming.

Anderson also describes an alternative cassette loading method at column 19, lines 32-37, in which:

...the cassette may be formed completely apart from a hole left in its side for insertion of the medicament carrier.

This passage also does not provide a disclosure of forming a coil of the medicament carrier as the carrier is inserted into the cassette. The hole could be of sufficient size for a pre-coiled carrier to be inserted into the cassette. In any event, there is no disclosure of moving either the rotating spindle or the carrier in a lateral sense as the coil is formed on the spindle, let alone both the spindle and carrier moving in a common lateral sense, as required by the instant claims.

As demonstrably shown, Anderson does not disclosure or suggest the claimed invention.

The Applicant also points out that the Office relies on a passage in Anderson which corresponds to that relied on when previously applying the Harvey reference (USP 7,231,920). The Office no longer relies on Harvey and the Applicant therefore presumes this is because the Office was persuaded by the Applicant's submission against the relevance of the relied upon passage in Harvey. The Applicant is therefore surprised that the Office now raises a new rejection based on the same passage, albeit in a different reference. If Harvey is conceded to not prejudice the patentability of the instant claims, then Anderson likewise is not prejudicial.

The points of the Office Action being addressed in full, a Notice of Allowability is respectfully solicited.

Respectfully submitted,

/Dwight S. Walker/

Date: June 1, 2009

Dwight S. Walker

Agent for Applicant

Registration No. 63,170

Customer No. 23347

GlaxoSmithKline

Five Moore Drive, P.O. Box 13398

Research Triangle Park, NC 27709-3398

Telephone: (919) 483-9995

Facsimile: (919) 315-4032